

REMARKS

In an Office Action dated 25 April 2005, all of pending claims 1-12 are rejected on indefiniteness and obviousness grounds. In reply, Applicant herein amends claims 1, 5, 8, and 12 and submits the present remarks. This submission is accompanied by a proper Request for Continued Examination and the requisite fee. Entry and consideration hereof and withdrawal of all rejections is respectfully requested.

The Examiner's particular rejections are now addressed in turn.

Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite. In claim 1, the Examiner particularly takes issue with the language "...carried out..." and "a close up range". Herein, claim 1 is amended to revise and/or remove the objectionable phrasing and terminology throughout the claim.

In claim 2, the Examiner takes issue with the phrase, "a mobile network system". This language is herein modified to address the Examiner's concerns.

The Examiner cites further clarity issues with respect to claims 8 and 12. These claims are revised to address the Examiner's concerns.

Accordingly, all rejections under section 112 have been addressed and are herein overcome. Reconsideration and withdrawal thereof are respectfully requested.

Claims 1-12 are further rejected under 35 U.S.C. 103(a) as allegedly being obvious in view of U.S. Patent No. 6,568,595 to Russell. Herein, independent claim 1 is revised to clarify Applicant's invention. This revised claim includes elements which are not taught or even suggested by the Russell patent. Thus, amended claim 1 is novel and non-obvious with respect to Russell. For example, Russell does not disclose at least the following limitations of claim 1:

"b) the user transmitting an identification code which is exclusively assigned to the user; c) conducting a non-contact identification verification when the user enters within a predetermined physical range of the identification verification system, wherein

steps a), b) and c) comprise utilization of a supraregional communications link, and steps d) and e) comprise utilization of a local-area communications link".

Russell, to the contrary, merely concerns an internet-based transaction-enabling system which utilizes a hand held wireless laser scanning bar code symbol reading system. See, e.g., col. 12, lines 15-50. Russell is intended to "read a bar code symbol 8 that is encoded with either the URL or DN/PN of a web-page to be accessed by the internet-based transaction-enabling system; and produce symbol character data representative of the URL or DN/PN character string for use by the internet browser program of its associated internet terminal." Col. 12, lines 55-60.

Clearly, Russell at least not does not teach a user transmitting an identification code which is exclusively assigned to the user, as recited in the present claim 1. In the outstanding rejection, the Examiner relies upon Russell's claim 1. However, this claim of Russell merely recites an internet based system for enabling e-commerce comprising an HTTP information server storing an Applet containing HTML document, and an internet terminal for allowing access to and interaction with the HTML document. The internet terminal of Russell includes a symbol reader configured to scan and decode a URL-encoded symbol to allow access to the HTML document. Russell makes no mention of "a user transmitting an identification code which is exclusively assigned to the user", as recited in Applicant's claim 1.

Further Russell does not teach or suggest "conducting a non-contact identification verification when the user enters within a predetermined physical range of the identification verification system", as recited in amended claim 1. As mentioned, Russell simply discloses a scan-facilitated access of an Applet containing HTML document and does not concern a proximity based non-contact identification verification, as claimed by Applicant.

Finally, Russell utilize a supraregional communications link and a local-area communications link, as recited in amended claim1. Clearly Russell is only concerned with internet communications.

Accordingly, Russell fails to teach or suggest at least the above quoted limitations of Applicant's revised claim 1. Thus, this claim is novel and non-obvious with respect to Russell. Claims 2-12 variously depend from claim 1 and are thus correspondingly novel and non-obvious. Reconsideration and withdrawal of the relevant section 103 rejections is respectfully requested.

In view of the foregoing, it is submitted that the instant application is in condition for allowance. Applicant requests prompt issuance of a Notice of Allowance.

The Office is invited to contact Applicant's attorney at the below-listed telephone number to discuss this Response or any other aspect of this application.

Applicant hereby petitions under 37 C.F.R. 1.136 for any extension of time necessary for entry and consideration of the present response. Any fees due regarding this Response or otherwise concerning the instant application may be charged to Deposit Account No. 06-1130 maintained by Applicant's attorneys.

Respectfully submitted,

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